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Vierra Magen Marcus & DeNiro LLP 575 Market Street, Suite 2500 San Francisco, CA 94105			EXAMINER WEI, ZHENG	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/700,338	Applicant(s) CIRNE ET AL.	
	Examiner ZHENG WEI	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15,17-24,26-30,32-35,37-42,44-49 and 51-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15,17-24,26-30,32-35,37-42,44-49 and 51-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. This office action is in response to the amendment filed on 06/05/2009.
2. Claims 2-3, 5, 13-15, 17, 22-24, 26, 32, 35, 37, 39, 41-42, 47, 49 and 52 have been amended.
3. Claims 55-59 have been added.
4. The objection to specification is withdrawn in view of the Applicants amendment.
5. The objection to claim 32 is withdrawn in view of the Applicants amendment.
6. The 35 U.S.C. 112 second paragraph rejection to claims 2, 3, 5, 14, 15, 17, 23, 24, 26, 34, 37, 41, 42, 47, 48 and 52 is withdrawn in view of the Applicant's amendment.
7. Claims 1-3, 5-15, 17-24, 26-30, 32-35, 37-42, 44-49 and 51-59 remain pending and have been examined.

Response to Arguments

8. Applicant's arguments filed on 06/05/2009, in particular on pages 14-29, have been fully considered but they are not persuasive.
 - Examiner interprets current application as a performance analysis/monitoring/tracing tool which is used to instrument and trace (modify) a method execution according to the different tracing conditions or requirements (e.g., modifying "if said method calls another method" (claim 1), or "if said method is not a synthetic method and said method calls another

method” (claim 2), or “if said method has an access level that satisfies a criterion and said method calls another method” (claim 3)...). That is to say, the listed tracing conditions above are merely used to direct to insert tracer to trace method as the conditions specified. It is just one or more types of different tracing implementations to focus tracing only on selected methods as specified. Except for the conditions listed in the claims, a person in the computer art could specify different tracing conditions/requirements in order to trace a method for a particular purpose, for example modifying (tracing) a method if said method does not call another method.

- Prior art Berkley discloses modifying a method to insert trace methods according to condition/requirement specified (trace configurations). Prior art Webster discloses a method to modify method block (puts flag in method block) and “provide trace information from a program about specific method calls, a user defines a selection of method to be traced” (see for example, ABSTRACT, “In order to provide trace information from a program about specific method calls, a user defines a selection of method to be traced.” and Fig.3 and related text). Therefore, it can be seen that monitoring and tracing can be implemented to trace any methods according the specified conditions/requirements including a method that calls another method.
- At Remarks pages 17-18, the Applicants assert that Berkley in view of Webster in further view of Grove fails to disclose, "determining which methods of a set of methods satisfy criteria for likely being at the top of a call graph

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without using information from a call graph," as claimed. Further, Berkley in view of Webster in further view of Grove fails to disclose, "using a first tracing mechanism for said methods that satisfy the criteria without using said first tracing mechanism for methods that do not satisfy the criteria," as claimed. However, it should be noted that the term call graph is only a method that is used to illustrate the method call flow for demonstration purpose. A method "at the top of a call graph" is the root method which is the "Main()" method as showed in prior art Grove (see for example, Fig.1, Example Program and Call Graphs"). The term "likely being at the top of a call graph" is a relative term, because it is not clear what the range from the top can be considered as likely being at the top". Therefore, for the purpose of compact prosecution, Examiner only considers the root method as being at the top of graph. Thus the method as being at the top (main()) can be determined as using the Webster's disclosure (see for example, Fig.3, step 325) and further modified by step 330.

- At pages 19-22, regarding claim 1, the Applicants maintain that the prior art fails to disclose modifying a method for a particular purpose if the method calls another method. Neither Berkley nor Webster nor Grove, alone or in combination, disclose "said step of determining whether to modify said method includes determining whether said method calls another method," as claimed. However, Examiner respectfully disagrees. As discussed above, the trace condition "if the method calls another method" is merely one of user specified requirement for tracing the particular method for a particular purpose.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trace the specified method when specifies the condition in the configuration file in Berkley or in DG of Webster or specifies other conditions for a particular purpose, e.g. user can specify the requirement to trace a method if the method contains three input variables.

- At page 22-24, regarding to claim 39, the Applicants assert that none of these three conditions as recited in the claim are taught or suggested in the prior art, much less the combination of the three. However, Examiner respectfully disagrees. It should be noted that the term “said method can be called by a sufficient scope of one or more other methods” can be reasonable interpreted as – said method can be called by other methods --. Therefore, the three conditions for performing trace for a method are: the method calls another method, the method can also be called by other methods, and the method is not a synthetic method. For the same reason as discussed above, the three conditions as recited in claim 39, just adds more conditions as in claim 1 to trace the method for another particular purpose. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine three or more condition together in Berkley’s configuration file to further focus tracing for some particular methods if required.
- At page 23, fourth paragraph, the Applicant assert that Office action may not look to the Applicants’ invention for reasons (or motivations) to modify the prior art. However, Examiner’s position is that the claim language as the Applicants

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recited is well-known information, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trace the specific method they want by applying specific conditions including the three conditions as recited for a particular purpose.

- At pages 24-26, regarding to claims 40 and 47, for the same reason as discussed, they are the different version of implementations for different particular purpose according to the user's specified conditions. The complex method is just the equivalent expressions of "said method calls another method" which has already been addressed above.
- At pages 26-29, regarding to claims 9, 11, 19, 21-24, 26-35, 37, 38, 45 and 46, see the same reason for specifying tracing conditions as addressed above.
- At page 29, regarding new claims 55-58, they are just another version claims expressions as claims 1-54, wherein all the claim limitations have been addressed above, e.g. claim 55 recites dividing a plurality of method into two groups, one group includes methods call other methods, the other does not. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to consider all the methods as defined in configuration file in Berkley as in one group, and remaining methods which are not defined in configuration file belong to other group which the methods are not required for tracing. Thus they are also obvious as in view of the prior arts above.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 13-32 and 59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "likely being at the top of a call graph" in claim 13 is a relative term which renders the claim indefinite. The term "likely being at the top of a call graph" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of compact prosecution, Examiner treats "likely being at the top of a call graph" as -- at the top of a call graph --.

Claims 14-21, 22-32 and 59:

Claims 14-21 depend on claim 13, claims 22-32 and 59 recite similar limitation as in claims 13-21. Therefore, they are also rejected for the same reason as addressed above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, 5-8, 10, 12-15, 17, 18, 20, 39-42, 44 and 47-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkley (Berkley et al., US 6351843 B1) in view of Webster (US6,738,965 now cited as prior art in this office action) in further view of Grove (Grove et al., Call Graph Construction in Object-Oriented Languages, now is recorded as prior reference)

Claim 1:

Berkley discloses a process for monitoring, comprising:

- accessing a method (see for example Fig.5, step 350 and related text, also see, col.2, lines 36-37, "Further, the system includes means for running the application executable using the modified runtime configuration settings");
- determining whether to modify said method, said step of determining whether to modify said method (see for example, Fig.1 and related text, "METHOD B", "METHOD C" and also see col.2, lines 39-40, "means for determining whether the function (method) is active for a class of the executable using the modified configuration settings"); and
- modifying said method for a particular purpose if said method calls another method. (see for example, col.2, lines 41-43, "means for dynamically creating a redirection stub to insert the function for the class if the function is active for that class")

Berkley also discloses a method to provide configuration settings to specify user interested information/methods that need to be traced and further determining whether to modify said method to insert trace function according the user's settings (see for example, Fig.5, item 300 "Configuration Settings" item 310 "Add Setting to Specify trace for Desired Class:, item 320 "New Configuration Settings and related text). But Berkley does not explicitly disclose the determination includes determining whether said method calls another method. However, Webster in the same analogous art of selective tracing methods discloses the similar solution that a user can specify particular trace information of interest and provides a selection of methods to be traced from a program (see for example, Summary and Fig.3 item 325 and related text). Grove discloses a method to construct a call graph (see for example, Fig.1 and related text; also see p.109, section 2.1, first paragraph). As Webster disclosed that different users have different purpose/interest to trace/debug different methods (see for example, ABSTRACT, "selection of method to be traced"), it is obvious said method also including those methods calling other methods as indicated by Grove's call graph. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trace/debug user interested methods by identify/determining the method calling other method using Webster and Grove's method and further configuring and inserting tracing function using Berkley's method. One would have been motivated to do so to specify and trace particular trace information of interest as suggested by Webster (see for example, col.2,

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lines 34-35, "A user can specify particular trace information of interest...")

Claims 2 and 14:

Berkley discloses processes according to claims 1 and 13 above respectively, but does not explicitly disclose said step of determining whether to modify said method includes determining whether said method is non-synthetic. However, It is well known in the Java programming that all synthetic methods generated by Java compiler are flagged in the class file and thus are easily identified (A well known and widely used Java programming standard: Java Virtual Machine Specification). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine whether said method is non-synthetic by checking the synthetic attribute field in bytecode while being compiled by JIT, Hotspot runtime or other bytecode scanning tools. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, "dynamically inserting a function into an existing application executable", "allows a user to specify one or more methods for which the function is to be implemented")

Claims 3 and 15:

Berkley discloses processes according to claim 1 and 13 above respectively, but does not explicitly disclose said step of determining whether to modify aid

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method includes determining whether said method has an access level of public or package. However, it is well known in the Java programming that JVM specification (see for example, a well known and widely used Java Virtual Machine Specification) defines a set of access flags in method_info structure which has a flag name "ACC_PUBLIC" for access level of public or package. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine whether said method has an access level of public or package by using JIT, Hotspot runtime or other bytecode scanning tools to check this flag to determining whether said method has an access level of public or package. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, "dynamically inserting a function into an existing application executable", "allows a user to specify one or more methods for which the function is to be implemented")

Claims 5 and 17:

Berkley discloses processes according to claim 1 and 13 above respectively, but does not disclose said step of determining whether to modify said method includes determining whether said method is non-synthetic, calls another method and has an access level of public or package. However, according to the rejection for the claims 2, 3, 4 and 14, 15 above, it would have been obvious to

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one having ordinary skill in the art at the time the invention was made to combine those steps together to further focus on tracing specify one or more methods for which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, “dynamically inserting a function into an existing application executable”, “allows a user to specify one or more methods for which the function is to be implemented”)

Claims 6 and 18:

Berkley discloses processes according to claim 1 and 13 above respectively, but does not disclose said step of determining whether to modify said method includes determining whether said method calls one or more different methods and can be called by a sufficient scope of one or more other methods. However, it is well known in the Java programming that JVM specification (see for example, a well known and widely used Java Virtual Machine Specification) defines method by using a block starting with the tag “Method” that contains the information about calling other methods in java bytecode. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine whether said method calls another method and can be called by a sufficient scope of one or more other methods by checking the method information in that block while running by JIT in JVM or other bytecode scanning tools. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as

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suggested by Berkley (see for example, col.2, lines 7-14, “dynamically inserting a function into an existing application executable”, “allows a user to specify one or more methods for which the function is to be implemented”)

Claim 7:

Berkley further discloses a process according to claim 1, wherein: said step of modifying includes modifying object code (see for example, col.2, lines 45-46, “inserting a function into an application executable without recompiling the executable.”)

Claim 8:

Berkley also discloses a process according to claim 1, wherein: said step of modifying includes adding a tracer for said method (see for example, Fig.5, step 360 and related text, also see, col.3, lines 6-8, “To restate, a technique is presented for dynamically modifying class lineage in order to insert a function, such as a trace function...”).

Claim 10:

Berkley further discloses a process according to claim 1, wherein: said step of modifying includes adding exit code and start code to existing object code (see for example, Fig.6, step 460 and related text, “Create redirection stubs that will call trace entry and ext method around target method”).

Claim 12:

Berkley also discloses a process according to claim 1, wherein: said particular purpose is to add a first tracer (see for example, Fig.5, step 360 and related text, also see, col.3, lines 6-8, “To restate, a technique is presented for dynamically modifying class lineage in order to insert a function, such as a trace function...”).

Claim 13:

Claim 13 is another version process and product for monitoring as in claim 1 addressed above, and further amended to add limitation “satisfy criteria for likely being at the top of a call graph without using information from a call graph” (see for example, “main()” in Figure 1 of Grove and related text), wherein all claimed limitation functions have been addressed and/or set forth above. Therefore, it also would have been obvious.

Claim 20:

Berkley further discloses a process according to claim 13, wherein: said step of using a first tracing mechanism includes modifying existing object code to add said first tracing mechanism (see for example, Fig.5, step 360 and related text, also see, col.3, lines 6-8, “To restate, a technique is presented for dynamically modifying class lineage in order to insert a function, such as a trace function...”).

Claim 39:

Berkley discloses an apparatus capable of monitoring, comprising:

- means for determining whether a method is call another method (see for example, Fig.1 and related text, “METHOD B”, “METHOD C” and also see col.2, lines 39-40, “means for determining whether the function (method) is active for a class of the executable using the modified configuration settings”); and

means for tracing said method for a particular purpose only if said method calls another method (see for example, col.2, lines 41-43, “means for dynamically creating a redirection stub to insert the function for the class if the function is active for that class”, also see Fig.5, step 360 and related text, also see, col.3, lines 6-8, “To restate, a technique is presented for dynamically modifying class lineage in order to insert a function, such as a trace function...”).

Claim 40:

Berkley discloses an apparatus capable of monitoring, comprising:

- a storage device (see for example, Fig.3, items 102, 103 “Main Storage”, “External Storage Media” and related text); and
- one or more processors in communication with said storage device (see for example, Fig.3, item 104, “CPU 1...CPU N” and related text), said one or more processors perform a process comprising:

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- accessing a method (see for example Fig.5, step 350 and related text, also see, col.2, lines 36-37, “Further, the system includes means for running the application executable using the modified runtime configuration settings”);
- tracing said method for a particular purpose if said method calls one or more different methods and can be called by a sufficient scope of one or more other methods (see for example, col.2, lines 41-43, “means for dynamically creating a redirection stub to insert the function for the class if the function is active for that class”, also see Fig.5, step 360 and related text, also see, col.3, lines 6-8, “To restate, a technique is presented for dynamically modifying class lineage in order to insert a function, such as a trace function...”).

But Berkley does not disclose:

- determining whether said method calls one or more different methods and can be called by a sufficient scope of one or more other methods.

However, it is well known in the Java programming that JVM (Java Virtual Machine) specification defines method by using a block starting with the tag “Method” that contains the information about calling other methods in java bytecode. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine whether said method calls another method and can be called by a sufficient scope of one or more other methods by checking the method information in that block while running by JIT in JVM or other bytecode scanning tools. One would have been motivated to do so to allow a user to trace specified one or more methods of which the

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function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, “dynamically inserting a function into an existing application executable”, “allows a user to specify one or more methods for which the function is to be implemented”)

Claim 41:

Berkley discloses an apparatus according to claim 40, but does not explicitly disclose said step of determining whether to modify said method includes determining whether said method is non-synthetic. However, it is well known in the Java programming that all synthetic methods generated by Java compiler are flagged in the class file and thus are easily identified (see for example, a well known and widely used Java Virtual Machine Specification). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine whether said method is non-synthetic by checking the synthetic attribute field in bytecode while being compiled by JIT, Hotspot runtime or other bytecode scanning tools. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, “dynamically inserting a function into an existing application executable”, “allows a user to specify one or more methods for which the function is to be implemented”)

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Claim 42:

Berkley further discloses an apparatus according to claim 40, but does not explicitly disclose said step of determining whether to modify aid method includes determining whether said method has an access level of public or package.

However, it is well known in the Java programming that JVM specification (see for example, a well known and widely used Java Virtual Machine Specification) defines a set of access flags in method_info structure which has a flag name "ACC_PUBLIC" for access level of public or package. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine whether said method has an access level of public or package by using JIT, Hotspot runtime or other bytecode scanning tools to check this flag to determining whether said method has an access level of public or package. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, "dynamically inserting a function into an existing application executable", "allows a user to specify one or more methods for which the function is to be implemented")

Claim 44:

Berkley discloses an apparatus according to claim 40 and further discloses said process further includes modifying existing object code for said method in order

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to add a first tracing mechanism (see for example, col.2, lines 45-46, "inserting a function into an application executable without recompiling the executable.")

Claims 47-54:

Claims 47-54 are another version process for monitoring as in claims 1-3, 5 and 8 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above. Therefore, they also would have been obvious.

Claims 55-58:

Claim 55 recites dividing a plurality of method into two groups, one group includes methods call other methods, and the other does not. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to consider all the methods as defined in configuration file in Berkley as in one group which are required for tracing, and remaining methods which are not defined in configuration file belong to the other group which the methods inside are not required for tracing. Thus they are also obvious as in view of the prior arts above as in claims 1-21.

13. Claims 9, 11, 19, 21-24, 26-35, 37, 38, 45, 46 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkley (Berkley et al., US 6,351,843) in view of Webster (US 6,738,965) in further view of Berry (Berkley et al., US 6,662,359).

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Claim 9:

Berkley and Webster disclose a process according to claim 1, but does not explicitly disclose said step of modifying includes adding a timer for said method. However, Berry in the same analogous art of system and method for injecting hooks into java classes to handle exception and finalization processing discloses using timestamp (see for example, col.14, lines 1-19, column 3 in the example table, "timestamp" and related text"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use timestamp as a way to trace specified application executable. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, "dynamically inserting a function into an existing application executable", "allows a user to specify one or more methods for which the function is to be implemented")

Claim 11:

Berkley discloses a process according to claim 10, wherein:

- said start code starts a tracing process (see for example, Fig.6, step 460 and related text, "Create redirection stubs that will call trace entry and ext method around target method");

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- said exit code stops said tracing process (see for example, Fig.6, step 460 and related text, “Create redirection stubs that will call trace entry and ext method around target method”);
- said exit code is positioned to be executed subsequent to original object code (see for example, Fig.6, step 470 and related text, “Remaining class construction flows”);

But Berkley does not disclose said steps of adding exit code including jump instruction, exception table and said step of adding an entry in said exception table. However, Berry in the same analogous art of system and method for injecting hooks into java classes to handle exception and finalization processing discloses:

- said step of adding exit code includes adding an instruction to jump to said exit code from said original object code (see for example. Fig.8 steps 812-816 and related text, also see col.9, line 55- col.10, line 8,”a jump around inserted code”);
- said step of adding exit code includes adding an entry in an exception table; and (see for example. Fig.8 step 802 and related text “Modify the exception table”);
- said step of adding an entry in said exceptions table includes adding a new entry into said exceptions table for said method, said new entry indicates a range of indices corresponding to said original object code, said new entry includes a reference to said exit code and said new entry indicates that said

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new entry pertains to all types of exceptions (see for example. Fig.8 steps 812-816 and related text, also see col.9, line 55- col.10, line 8,"a jump around inserted code");

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add jump instruction and maintain exception table for inserting function into an application executable at runtime. One Would have been motivated to integrated Berry's steps into Berkley's process to ensure that code which moved due to either insertions or deletions is correctly relocated and related references are adjusted as pointed out by Berry (See for example, Col.9, lines 55-58, "to ensure that code which is moved due to either insertions or deletions is correctly relocated and related references are adjusted")

Claim 19:

Berkley discloses a process according to claim 13, but does not explicitly disclose said step of modifying includes adding a timer for said method.

However, Berry in the same analogous art of system and method for injecting hooks into java classes to handle exception and finalization processing discloses using timestamp (see for example, col.14, lines 1-19, column 3 in the example table, "timestamp" and related text"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use timestamp as a way to trace specified application executable. One would have been motivated to do so to allow a user to trace specified one or more methods

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of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, “dynamically inserting a function into an existing application executable”, “allows a user to specify one or more methods for which the function is to be implemented”)

Claim 21:

Berkley discloses a process according to claim 20, but does not explicitly disclose said step of modifying includes adding a timer for said method.

However, Berry in the same analogous art of system and method for injecting hooks into java classes to handle exception and finalization processing discloses using timestamp (see for example, col.14, lines 1-19, column 3 in the example table, “timestamp” and related text”). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use timestamp as a way to trace specified application executable. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, “dynamically inserting a function into an existing application executable”, “allows a user to specify one or more methods for which the function is to be implemented”)

Claims 22-24, 26-32 and 59:

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Claims 22-24 and 26-32 claim one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, which is the product version of the process claims as discussed in claims 1-3 and 5-11 above respectively. Therefore, these claims are obvious over Berkley, Webster and berry, because it is well known in the computer art to practice and/or produce such a program product for carrying out the acts/steps of such process by a typical computer processor.

Claims 33-35, 37 and 38:

Claims 33-35, 37 and 38 claim one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a process as discussed in claims 13-15, 17 and 19 above respectively. Therefore, these claims are obvious over Berkley and Berry, because it is well known in the computer art to practice and/or produce such a program product for carrying out the acts/steps of such process by a typical computer processor.

Claim 45:

Berkley discloses an apparatus according to claim 44 above, but does not disclose said first tracing mechanism includes a timer. However, Berry in the same analogous art of system and method for injecting hooks into java classes to

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handle exception and finalization processing discloses using timestamp (see for example, col.14, lines 1-19, column 3 in the example table, “timestamp” and related text”). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use timestamp as a way to trace specified application executable. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14, “dynamically inserting a function into an existing application executable”, “allows a user to specify one or more methods for which the function is to be implemented”).

Claim 46:

Berkley discloses an apparatus according to claim 44 above, but does not disclose said step of tracing includes timing said method. However, Berry in the same analogous art of system and method for injecting hooks into java classes to handle exception and finalization processing discloses using timestamp (see for example, col.14, lines 1-19, column 3 in the example table, “timestamp” and related text”). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use timestamp as a way to trace specified application executable. One would have been motivated to do so to allow a user to trace specified one or more methods of which the function is to be implemented as suggested by Berkley (see for example, col.2, lines 7-14,

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“dynamically inserting a function into an existing application executable”, “allows a user to specify one or more methods for which the function is to be implemented”).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's arguments with respect to claims rejection have been considered but are not persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571)

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270-1059 and Fax number is (571) 270-2059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. W./
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192